



General Assembly

January Session, 2013

***Raised Bill No. 829***

LCO No. 2779



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***AN ACT CONCERNING THE UNAUTHORIZED PRACTICE OF LAW.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 51-88 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2013*):

3 (a) [A] Unless a person is providing legal services pursuant to  
4 statute or rule of court, a person who has not been admitted as an  
5 attorney under the provisions of section 51-80 or, having been  
6 admitted under said section, has been disqualified from the practice of  
7 law due to resignation, disbarment, being placed on inactive status or  
8 suspension for reason other than the failure to pay the occupational tax  
9 on attorneys imposed pursuant to section 51-81b or the client security  
10 fund fee imposed pursuant to section 51-81d, shall not: (1) Practice law  
11 or appear as an attorney-at-law for another [,] in any court of record in  
12 this state, (2) make it a business to practice law [,] or appear as an  
13 attorney-at-law for another in any such court, (3) make it a business to  
14 solicit employment for an attorney-at-law, (4) hold himself or herself  
15 out to the public as being entitled to practice law, (5) assume to be an  
16 attorney-at-law, (6) assume, use or advertise the title of lawyer,

17 attorney and counselor-at-law, attorney-at-law, counselor-at-law,  
18 attorney, counselor, attorney and counselor, or an equivalent term, in  
19 such manner as to convey the impression that he or she is a legal  
20 practitioner of law, or (7) advertise that he or she, either alone or with  
21 others, owns, conducts or maintains a law office, or office or place of  
22 business of any kind for the practice of law.

23 (b) (1) Any person who violates any provision of this section shall  
24 be guilty of a class A misdemeanor, except that in any prosecution  
25 under this section, if the defendant proves by a preponderance of the  
26 evidence that the defendant committed the proscribed act or acts while  
27 admitted to practice law before the highest court of original  
28 jurisdiction in any state, the District of Columbia, the Commonwealth  
29 of Puerto Rico or a territory of the United States or in a district court of  
30 the United States and while a member in good standing of such bar,  
31 such defendant shall be guilty of a class C misdemeanor.

32 (2) The provisions of subdivision (1) of this subsection shall not  
33 apply to any employee in this state of a stock or nonstock corporation,  
34 partnership, limited liability company or other business entity who,  
35 within the scope of his or her employment, renders legal advice to his  
36 or her employer or its corporate affiliate and who is admitted to  
37 practice law before the highest court of original jurisdiction in any  
38 state, the District of Columbia, the Commonwealth of Puerto Rico or a  
39 territory of the United States or in a district court of the United States  
40 and is a member in good standing of such bar. For the purposes of this  
41 [subsection] subdivision, "employee" means any person engaged in  
42 service to an employer in the business of his or her employer, but does  
43 not include an independent contractor.

44 (3) In any prosecution under section 53a-8 for soliciting, requesting,  
45 commanding, importuning or intentionally aiding in the violation of  
46 this section, and in any prosecution under section 53a-48 for  
47 conspiracy to violate this section, the state shall have the burden of  
48 proving beyond a reasonable doubt that the defendant had actual

49 knowledge that the person was not admitted to practice law in any  
 50 jurisdiction at the time such violation occurred.

51 (c) Any person who violates any provision of this section shall be  
 52 deemed in contempt of court, and the Superior Court shall have  
 53 jurisdiction in equity upon the petition of any member of the bar of  
 54 this state in good standing or upon its own motion to restrain such  
 55 violation.

56 (d) The provisions of this section shall not be construed as  
 57 prohibiting: (1) A town clerk from preparing or drawing deeds,  
 58 mortgages, releases, certificates of change of name and trade name  
 59 certificates which are to be recorded or filed in the town clerk's office  
 60 in the town in which the town clerk holds office; (2) any person from  
 61 practicing law or pleading at the bar of any court of this state in his or  
 62 her own cause; (3) any person from acting as an agent or  
 63 representative for a party in an international arbitration, as defined in  
 64 subsection (3) of section 50a-101; or (4) any attorney admitted to  
 65 practice law in any other state or the District of Columbia from  
 66 practicing law in relation to an impeachment proceeding pursuant to  
 67 Article Ninth of the Connecticut Constitution, including an  
 68 impeachment inquiry or investigation, if the attorney is retained by (A)  
 69 the General Assembly, the House of Representatives, the Senate, a  
 70 committee of the House of Representatives or the Senate, or the  
 71 presiding officer at a Senate trial, or (B) an officer subject to  
 72 impeachment pursuant to said Article Ninth.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2013	51-88
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**Statement of Purpose:**

To clarify the elements of the offense of unlicensed practice of law and increase the penalty for such offense.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*